



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Frank Scott Bono et al.

Application No.: 10/828,508

Filed: April 20, 2004

For: Locking Cap Assembly For Spinal Fixation
Instrumentation

Attorney Docket No.: 101896-232

Group Art Unit: 3732

Examiner: Not Yet Assigned

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

10/20/04

Date of Signature and of Mail Deposit

By:

Ronald E. Cahill

Reg. No. 38,403

Attorney for Applicants

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION**

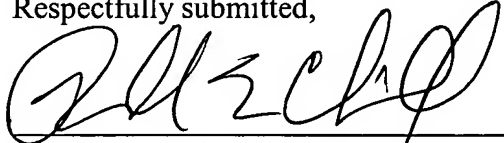
Dear Sir:

In response to the Notice To File Missing Parts of Nonprovisional Application dated September 23, 2004, Applicant's attorney submits herewith a copy of an Executed Declaration and Power of Attorney filed in the parent case 09/667,937, filed September 22, 2000. Applicant's attorney also submits replacement drawings 1A-7C. Applicants respectfully submit that the formal drawings are in compliance with 37 CFR 1.84 and 36 CFR 1.121. Applicants request that the drawings be filed in the above-referenced patent application. No new matter has been added. A check in the amount of **\$130.00** is enclosed to cover the surcharge claim fee

based on large entity status. A copy of the Notice To File Missing Parts of Nonprovisional Application is also enclosed.

The Commissioner is hereby authorized to charge any underpayments or credit any overpayments in association with this filing to Deposit Account No. 141449, Reference No. 101896-232. A duplicate of this letter is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. E. Cahill', written over a horizontal line.

Ronald E. Cahill, Reg. No. 38,403
Attorney for Applicants
NUTTER, MCCLENNEN & FISH LLP
World Trade Center West
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Fax (617) 310-9782

Dated: October 20, 2004



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Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Notice To File Missing Parts of Nonprovisional Application (in duplicate);
2. Copy of an Executed Declaration and Power of Attorney;
3. Thirteen Sheets of Replacement Drawings (Figs. 1A-7C);
3. A check in the amount of \$130.00 (for surcharge fee);
4. A copy of the Notice To File Missing Parts of Nonprovisional Application; and
5. Return receipt postcard.

The Commissioner is authorized to charge any overpayments or underpayments if necessary to our Deposit Account No. 141449, Reference No. 101896-232, Customer No. 021125. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

October 20, 2004

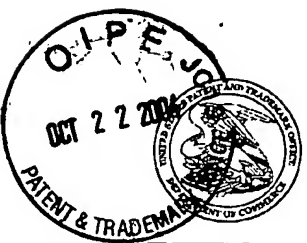
Date,

Ronald E. Cahill, Reg. No 38,403

Respectfully submitted,

Ronald E. Cahill, Reg. No. 38,403

Attorney For Applicants
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UNITED STATES PATENT AND TRADEMARK OFFICE

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IFW

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/828,508	04/20/2004	Frank Scott Bono	101896-232

021125
NUTTER MCCLENNEN & FISH LLP
WORLD TRADE CENTER WEST
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CONFIRMATION NO. 4285

FORMALITIES LETTER



OC000000013858902

Date Mailed: 09/23/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/25/2004 HDEMESS1 00000085 10828508

01 FC:1051

130.00 OP

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1A-7C.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Mezzo, W
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE